Remarks/Arguments

Claims 1-18 are pending in this application, and are rejected in the Office Action of January 20, 2010. Claim 17 is amended herein to correct a typographical error related to claim dependency.

Re: Claim Objections

Claim 17 is objected to because the claim depends on the "digital audio player of claim 1", but claim 1 is a method claim. To rectify this issue, the dependency of claim 17 is amended herein such that this claim now depends on claim 8, which is drawn towards a "digital audio player". In view of this amendment, Applicants respectfully request withdrawal of the objection.

Re: Claims 1-3, 5-6, 8-10 and 12-13

Claims 1-3, 5-6, 8-10 and 12-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2005/0201254 by Looney et al. (hereinafter, "Looney"). Applicants respectfully traverse this rejection for at least the following reasons.

At the outset, Applicants again note that one of the problems addressed and solved by the present invention relates to how user selected playlist entries corresponding to either a single song or a plurality of songs are visually represented to the user. The solution to this problem is defined by independent claim 1, for example, as follows:

> "A method for displaying information using a digital audio player, comprising the steps of:
> reading a playlist selected by a user;
> enabling a display of one or more entries included in said playlist on a display device associated with said digital audio player, each of said one or more entries corresponding to one of a single song and a plurality of songs and having a common visual indicator that indicates whether said entry is in one of a first category, a second category and a third category, and wherein:

> said entry is in said first category if said entry corresponds to said single song and said single song has been selected by the user for inclusion in said playlist;
>
> said entry is in said first category if said entry corresponds to said plurality of songs and all of said plurality of songs have been selected by the user for inclusion in said playlist;
>
> said entry is in said second category if said entry corresponds to said single song and said single song has not been selected by the user for inclusion in said playlist;
>
> said entry is in said second category if said entry corresponds to said plurality of songs and none of said plurality of songs have been selected by the user for inclusion in said playlist; and
>
> said entry is in said third category if said entry corresponds to said plurality of songs and at least one, but not all, of said plurality of songs has been selected by the user for inclusion in said playlist." (emphasis added)

As indicated above, independent claim 1 defines a method that includes displaying one or more entries included in a playlist. Each of the entries corresponds to either a single song or a plurality of songs selected by the user for inclusion in the playlist and has a common visual indicator that indicates whether the entry is in a first category (picked), a second category (not picked) or a third category (partially picked). Independent claim 1 also specifically defines characteristics of these three different categories. Independent claim 8 defines subject matter similar to independent claim 1. An example of the claimed "common visual indicator" is shown in FIGS. 5B-5D of Applicants' specification, for example, as a "+" sign (although other visual indicators could also be used). As indicated in FIGS. 5B-5D, the relative placement of the "+" sign (i.e., in one of three different columns) is advantageously used to effectively communicate to users which of the three aforementioned categories a given entry is in.

Looney fails to disclose or suggest each and every feature of independent claims 1 and 8. On page 3 of the Office Action dated January 20, 2010, the Examiner alleges that Looney discloses:

> "... selections being added to a playlist window through highlighting and dragging, which reads on the claimed, 'having a common visual indicator that indicates whether said entry is in one of a first category, a second category, and a third category,' as disclosed at [0179] and figures 60-61"

As indicated above, the Examiner ostensibly alleges that the functionality of selections being added to a playlist through highlighting and dragging, as disclosed by Looney, corresponds to the aforementioned claim feature of "each of said one or more entries ... having a common visual indicator that indicates whether said entry is in one of a first category, a second category and a third category". Applicants respectfully disagree for at least the following reasons.

First, Applicant notes that the Examiner has not specifically identified what element(s) of Looney allegedly corresponds to the claimed "common visual indicator". Clearly, the mere ability for a user to highlight and drag a selection from select file area 2462 to burn list area 2464 (see paragraph [0186] and FIG. 61 of Looney) in no way corresponds to the "common visual indicator" of independent claims 1 and 8. On page 4 of the Office Action dated January 20, 2010, the Examiner further alleges:

> "... wherein the first category corresponds to a highlighted or selected song/playlist, the second category corresponds to an unhighlighted or selected song/playlist, and the third category corresponds to a single song in a playlist that has been highlighted or selected." (emphasis added)

As indicated above, the Examiner ostensibly alleges that the category of a given song and/or playlist in Looney is indicated by whether the given song and/or playlist is in a "highlighted" or "unhighlighted" state. To the extent this "highlighted" or "unhighlighted" state of a given song and/or playlist (i.e., entry) in Looney corresponds to a "visual indicator", Applicants note that such a "visual indicator" is not "common" for each song and/or playlist, as claimed. That is, based on the foregoing interpretation, Looney clearly teaches a display technique which uses different visual indicators (i.e., highlighted versus unhighlighted) to indicate the respective category of each song and/or playlist. In contrast to Looney, and as indicated above, the claimed solution defined by independent claims 1 and 8 specifies that a "common visual indicator" is used to indicate the category of "each of said one or more entries". As such, Looney clearly fails to disclose or suggest, *inter alia*, the claimed feature of "each of said one or more entries ... having a common visual indicator that indicates whether said entry is in

one of a first category, a second category and a third category", as recited by independent claims 1 and 8.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1-3, 5-6, 8-10 and 12-13 are patentable over Looney, and withdrawal of the rejection is respectfully requested.

Re: Claims 4 and 11

Claims 4 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent No. 5,086,345 issued to Nakane et al. (hereinafter, "Nakane"). Applicants respectfully traverse this rejection since Nakane is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 4 and 11 ultimately depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 7 and 14

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent Publication No. 2002/0103796 by Hartley (hereinafter, "Hartley"). Applicants respectfully traverse this rejection since Hartley is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 7 and 14 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Re: Claims 15-18

Claim 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Looney in view of U.S. Patent Publication No. 2006/0212442 by Conrad (hereinafter, "Conrad"). Applicants respectfully traverse this rejection since Conrad is unable to remedy the deficiencies of Looney pointed out above in connection with independent claims 1 and 8, from which claims 15-18 depend. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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By: _____

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April 9, 2010
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